



Advocates for Workplace Fairness

January 20, 2022

Via ECF

Honorable Andrew L. Carter, Jr.
United States District Court
Southern District of New York
40 Foley Square, Room 435
New York, NY 10007

Re: Tantaros v. Fox News Network, LLC et al
No. 1:19-cv-07131

Dear Judge Carter:

We write on behalf of Petitioner Andrea Tantaros regarding her Opposition to Respondents Fox News Network, LLC, William Shine, the Estate Of Roger Ailes, Suzanne Scott, Dianne Brandi And Irena Briganti's Motions To Dismiss. We respectfully request this Court to permit the filing of Petitioner's opposition papers one day late.

As of 11:30 p.m. on January 19, 2022, we were prepared to file Petitioner's opposition papers to Respondents' motions to dismiss but, unfortunately, encountered an issue that prevented us from doing so. When it became apparent that the issue would not be resolved until this morning, I dismissed the team for the evening. We have resolved the issued and have since filed the opposition papers. (See ECF Nos. 113-116).

The Federal Rules of Civil Procedure allow for the extension of time to file motions where a party has failed to act because of "excusable neglect." *See Fed. R. Civ. Pro. 6(b)(1)(B).* The Supreme Court has provided guidance regarding the factors a court should consider in such circumstances, including: (1) whether granting the delay will prejudice the nonmoving party; (2) the length of the delay and its impact on the proceedings; (3) whether the delay was within the reasonable control of the movant; and (4) whether the movant creditor acted in good faith. *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 395 (1993). Here, the one-day delay in filing will not prejudice Respondents nor impact the proceedings. Counsel made a good faith effort to resolve the issue that prevented the timely filing, but was not successful in doing so.

Accordingly, we request that the Court exercise its authority under Rule 6 to permit the late filing.

Respectfully submitted:



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